

VERMONT STATE BOARD OF EDUCATION
Bellows Falls Union High School, 406 High School Road, Route 5 South, Bellows Falls
September 15, 2009

The State Board and Department of Education provide leadership to ensure that the Vermont education system gives each learner the opportunity to succeed in the 21st century.

Approved MINUTES

Present: Board Members: Tom James, Chair; Kathy Larsen; Robert Kelly; Fayneese Miller; Ruth Stokes, Vice Chair; Brian Vachon; Judith Livingston; John Hall; Don Collins; Alex Melville

DOE Staff: Armando Vilaseca, Commissioner; Carol King; Jill Remick; Mark Oettinger; Rae Ann Knopf; Tina Muncy; Kay Charron; Lindsay Simpson; Dave Phillips; Doug Webster; Pat Fitzsimmons; Brice Smith; Troy McAllister; Anne Bordonaro; Kate Larose; Kate O'Neill

Other: Sherry Gile, VTNEA; Curtis Reed, Vt. Partnership for Fairness & Diversity (VPFD); Paige Jackson, VPFD; Dwight Davis, VISA; Brian Petraitis, College Board; Daniel Mickelson, ACT; Jan Mitchell-Love, BFUHS Board; Dan Axtell, Westminster & BFUHS Boards; Diana Leddy, Newton School; Joey Hawkins, Newton School; Terry Frey, Windsor HS; Johanna Harpster, WNESU Superintendent

The Board visited the classroom of 2010 Vermont Teacher of the Year Craig Divis and observed student presentations.

Preliminaries

Item A: Call to Order, Pledge of Allegiance

Tom James, Chair, called the meeting to order at 9:39 a.m. and led the group in the Pledge of Allegiance.

Item B: Roll Call and Introductions

Chair James, Board members introduced themselves.

Item C: Election of Officers (Chair James, Presiding)

Chair James noted that his retirement from the Board is effective at Midnight tonight. Therefore the Board needs to elect new officers. He suggested a structure of a new chair effective tomorrow and electing two vice chairs to even the workload. The next regular election is scheduled to occur in March 2011.

Ruth Stokes, vice-chair, noted that she plans to be away frequently and therefore she did not feel it was fair to assume the role of chair. She nominated Fayneese Miller for Chair of the Board. Miller was elected by voice vote (8-0; Abstention: James).

Don Collins asked that by the next meeting or no later than October there be clarity on the roles of the vice chair. Stokes agreed to continue her role as vice chair, and nominated Kathy Larsen for the second vice chair. Larsen was elected by voice vote (8-0; Abstention: James).

Item D: Announcements, Board Member Updates (Chair, Board Members)

- Kathy Larsen attended two New England Secondary School Consortium (NESSC) meetings as the Board representative.
 - John Hall attended NASBE (National Association of State Boards of Education) New Board Member Institute, held in mid-July in Washington, DC.
 - Don Collins updated the Board on the work of the Transformation Policy Commission.
 - Fayneese Miller reported on a meeting held at UVM focusing on what the university can do to prepare educators to work and teach in a transformed education system. Board vice chair Ruth Stokes served as a panel member.
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Item E: Public to be Heard

James noted that this is a time for anyone to speak before the Board about a topic not on the day's agenda.

Curtis Reed – Reed spoke before the Board representing Vermont Partnership for Fairness and Diversity (formerly ALANA). He thanked James for his past leadership. He is pleased that the VSBPE (Vermont Standards Board for Professional Educators) has added standards that address diversity. He also was pleased with the appointment of Armando Vilaseca as commissioner. He noted that the Partnership is launching a statewide campaign focusing on parents and communities on what to do if your student is the subject of harassment. He noted concern that independent schools are not being addressed the way public schools are and seem ignorant of their obligation under Act 91. He encouraged the Board to address this issue. He noted that the department has been slashed by budget cuts and more specifically the Safe and Healthy Schools Division has been disproportionately cut. He encouraged the Board to reexamine the funding stream for Safe and Healthy Schools. He noted that schools have been given different information, resources and support to carry out Act 91. He responded to questions from the Board including funding, what programs they offer, and jurisdiction of Act 91.

Sherry Gile of the VT-NEA spoke that the “common language” Reed referenced is also part of the VTNEA trainings. She noted the continued confusion in the field about bullying and harassment.

Item F: Commissioner's Update (Armando Vilaseca)

Vilaseca noted that ARRA and Race to the Top (RTTT) will be discussed later in the meeting. He thanked Principal Chris Hodsden and the Bellows Falls Union High School for hosting the Board meeting.

Education Finance and Effectiveness Committee – This legislatively established committee is chaired by Commissioner Vilaseca and is charged to examine ways to find efficiencies in the (education finance) system. He noted there has been good discussion and passion but not much agreement. He continues to advocate for former Commissioner Cate's governance proposal and is going further in considering the closing of some smaller schools. Vermont will have about 91,000 students, down 10,000 students in the past few years. This is considered controversial but

he maintains that a part of reducing costs must consider reducing staffing and closing smaller schools. He is preparing an Op-Ed piece on this topic for the coming weeks. The Vermont Superintendents Association has a governance structure position paper. Judith Livingston reported that she had discussed this when she was a member of the Legislature and noted that legislators need the support of their constituents. She suggested that instead of a mandate from the state, communities should reach a point of a certain amount of money that the district may keep the small schools but then need to make up the difference locally. The state funding structure does not force schools to consider the increased cost. Commissioner Vilaseca noted the Brigham decision might not allow such an option. The state of Maine has opted for this approach and it has been difficult to manage. Vilaseca feels the state needs to provide some type of structure to those decisions. Livingston noted that the statewide funding structure does not force this kind of examination. Collins noted that Vermont's small class size does not equate to a big increase in test results as it could be closer to 30:1 and still be effective. He reported that the Transformation Policy Commission will address governance in its recommendations. James recommended the topic of governance for a future meeting agenda. Vilaseca noted that the actual dollar savings needs to be articulated to make the case.

Item G: FY 2010 Budget and DOE Capacity Update; FY 2011 Budget Development Process; ARRA (Stimulus) Update (Armando Vilaseca, Rae Ann Knopf)

Commissioner Vilaseca distributed a sheet on the FY10 budget update:

- 1) FY 2011 budget – guidance not yet received from the administration
- 2) FY 2010 budget - continue to await information on next round of rescissions that will be beyond the amount currently being held back by the administration
- 3) Seven vacancies have been created by the retirement incentive,
- 4) Eight vacancies currently – at this time there is a hold on hiring for those positions
- 5) All school budgets except one are in; 2.04 percent increase from FY 09 to FY 10
- 6) Internal review and planning process underway to realign the department to address the needs of an increased number of schools in need of assistance, as well as meet the increased work required by ARRA. There are currently 77 schools in technical assistance and 3.5 staff members assigned to that work.
- 7) The department has lost 43 positions in the last 18 months.

Rae Ann Knopf distributed updated information on ARRA and how the funds and grants work together. Title I and IDEA monies are being released to schools. The Statewide Fiscal Stabilization Fund money will also be distributed to schools soon. In both cases, schools are being encouraged to use the funds for Transformation efforts and to support the four assurances of ARRA. Miller noted the connection to the longitudinal data that the Vermont State Colleges and UVM provide schools, and how to encourage schools to use the information. Sherry Gile, NTNEA, noted that the Vermont National Board Certified Teacher (NBCT) Program was put on hold and yet that would have supported the first assurance of ARRA. Commissioner Vilaseca responded that that program was part of the budget rescissions this past summer; however obligations to teachers currently in the program would be met. Curtis Reed noted that school climate issues are absent from the assurances. Another gentleman clarified that a statewide per pupil figure would be helpful in demonstrating school spending per pupil.

Action Items

Item H: Consent Agenda

Motion: John Hall moved, seconded by Kathy Larsen, to approve the consent agenda with comment. Stokes commented that the number of schools falling into corrective action under NCLB is going up. Collins noted a viewing constituent could be unaware of what the consent agenda is and would like clarity on that to be available on the videotape. James read aloud the list of items on September 15 consent agenda:

1. Minutes of May 19, 2009 SBE Meeting

2. Capital Construction (Cathy Hilgendorf, Cassandra Ryan)

Project No.	Town School District	Award
C-464	Springfield Town School District	\$ 3,874,429.75
C-465	Springfield Town School District	\$ 3,520,350.00
C-507	Milton Town School District	\$ 1,163,749.50
C-508	Milton Town School District	\$ 1,066,781.70

3. Independent School Approval (Pat Pallas Gray, Kerry Garber)

Renewal of general independent school approval:
 Avalon Triumvirate Academy, Fairfax; grades 4-12
 Amendment of general and special education school approval:
 Northern Vermont Regional Program, St. Albans; grades K-8
 Acknowledgement of approved kindergarten closure:
 Bennington Early Childhood Center, Bennington

4. Post Secondary Approvals (Cathy Hilgendorf)

River Valley Community College (RVCC)
 Spark Teacher Education Institute
 Union Institute & University (UI&U)

5. School Quality Standards Waiver Request (Mark Oettinger)

(a) Chittenden Central Supervisory Union (Essex Community Education Center) – Rule 2120.8.5(b):
 School Nurse Services

6. Ed Flex Waiver Requests (David Baroudi; Kerry Garber)

Addison Central Supervisory Union
 Franklin West Supervisory Union (Bellows Free Academy Elementary & Middle School)
 Franklin West Supervisory Union (Bellows Free Academy High School)
 Franklin West Supervisory Union (Fletcher Elementary School)
 Franklin West Supervisory Union (Georgia School)
 Rutland Central Supervisory Union (Rutland Town School)
 South Burlington Supervisory District (Chamberlin School)
 South Burlington Supervisory District (Orchard School)
 South Burlington Supervisory District (Tuttle Middle School)
 Washington West Supervisory Union (Harwood UHS)
 Washington West Supervisory Union (Warren Elementary School)

7. Commissioner's Required Actions (Gail Taylor; Kathy Blanchard; Pat Johnson; Tina Muncy; Lisa Lovelette)

Year 2 Corrective Actions:

- 1) Burlington High School
- 2) Otter Valley Union High School, Brandon
- 3) Molly Stark School, Bennington
- 4) Rutland Intermediate School

Year 1 Corrective Actions:

- 1) Academy School, Brattleboro

- 2) Barre Town School
- 3) Bellows Falls Middle School
- 4) BFA Fairfax Elementary / Middle School
- 5) Camel's Hump Middle School, Richmond
- 6) Derby Elementary School
- 7) Duxbury/Waterbury Union Schools (Thatcher Brook Primary School and Crossett Brook Middle School)
- 8) Highgate Elementary School
- 9) Lyman Hunt Middle School, Burlington
- 10) Riverside Middle School, Springfield
- 11) Springfield High School
- 12) St. Albans Town Education Center
- 13) Swanton Schools
- 14) H. O. Wheeler School, Burlington
- 15) Williston Schools (Allen Brook School and Williston Central School)
- 16) Winooski High School

The motion passed unanimously (9-0).

Transformation of Education

Item I: Policy Commission Update (Kay Charron)

Kay Charron distributed updated information on the Transformation Policy Commission, based on their meeting on Monday, September 14. The commission has requested that a small group attend the October meeting for a presentation and dialogue, present an early report in November and release their final report following the discussion at the November meeting. The commission has done significant research and created a Map of Transformation. Members feel strongly that this should become Vermont public policy that each school shall do, not just options. Part of this includes work on *Vermont's Framework of Standards*, as well as work on developmental stages of skill progression regardless of grade and age. Charron outlined the broad concepts the commission hopes to address. Everything is being viewed through the lens of education quality.

The Board explored ways to get this information out to a broader audience.

Item J: 2010 Legislative Considerations (Board members, Armando Vilaseca, Mark Oettinger)

Vilaseca reviewed a list of potential items under consideration for the January legislative session:

1. Residential pregnant and parenting students were removed from state placed definition appears erroneously. We will continue to fund since the remaining part of Act 44, section 33 says the commissioner of education will pay for residentially placed students, and we will try to correct the error in the next session.
2. Change ADM prior year adjustments
 - a. Stop practice
 - b. Create law directing us to make adjustments to following year end spending amount in affected districts.
 - c. Create law directing us to return funds to towns that will then adjust following year rates.
3. 16 VSA § 166(b)(6). Amend distance learning statute to allow school districts to pay for programs (include tuition?) to out-of-state institutions. Make a distinction between districts buying distance learning courses as part of its course of study vs. paying tuition for approved distance learning schools.

4. 16 VSA § 1533(a). Department staff has recommended that this be amended to require evaluation of each center (and comprehensive high school/independent school offering DOE approved CTE programs) by NEASC Commission on Career and Technical Institutions or another independent body approved by DOE, every 5 years or more frequently when determined necessary. The section b, 1-7 could remain, possibly with some edits to reflect the NEASC accreditation process every 5 years. It is critical to cite this commission since it is the only commission of NEASC to conduct the rigorous evaluation of CTE.
5. ~~Update notwithstanding language for AYP (Sec. 13 of Act 182 of 2006) homeless definition (Sec. 14 of Act 182 of 2006) & (Sec. 14 of Act No. 154). Current notwithstanding language runs through 2009. Sec.24 of Act 44 of 2009 made this continue indefinitely.~~
6. Revise post-secondary statutes per forthcoming Cathy H recommendations to simplify process.
7. Review Miscellaneous Education bill language of 2009 regarding longitudinal data systems and update per our latest US ED info and other limitations.
8. Give commissioner summary suspension authority.
9. Revise SU power and duties (e.g. Coordinating vs. providing special education).

Mark Oettinger also mentioned:

- Class size requirements
- School choice options for children of deployed individuals
- H.10 as proposed would require agencies to post administrative rules online
- Potential recommendations from the Transformation Policy Commission

This discussion will be continued as the January legislative session approaches.

Discussion Items

Item K: Teen Parenting Education Program Standards (Mark Oettinger)

Mark Oettinger, General Counsel of the Department, recommended that the Board adopt the standards as proposed for Teen Parent Education Program. **Motion:** Brian Vachon moved, seconded by Fayneese Miller, to approve commissioner's recommendation to adopt the proposed Standards for Approved Education Programs, with respect to 16 V.S.A. §11(a) (35) "Teen parent education program". Motion approved unanimously (9-0).

Stokes then spoke for the Board and offered a resolution to honor Tom James for his time on the Board (attached).

Item L: Future Agendas (Board members, Armando Vilaseca, Carol King)

Lunch

Board members were joined by former teachers of the year and their guests and local Board members for lunch prepared by students.

Item M: Teacher of the Year Recognition

The State Board and Commissioner Vilaseca honored 2010 Vermont Teacher of the Year Craig Divis, a social studies teacher at Bellows Falls Union High School.

Item N: Work Session – Strategic Planning Process (Tom James, Ray Proulx, Carol King)

DOE staff members (Tina Muncy; Troy McAllister; Bruce Smith; Dave Phillips; Anne Bordonaro; Pat Fitzsimmons; Kate Larose; Lindsay Simpson; Kate Cassi O’Neill; Carol King; Kay Charron; Doug Webster; Jill Remick) joined Board members for the first strategic planning work session. Strategic planning work will continue to be an agenda item for the next five to six months.

1. Organize for Planning Process:
 - Review Mission and Vision statements
 - Review template to guide planning process
 - Set timeline and decision making process
 - Agree upon engagement process
 2. Action Steps
 - Endorse Mission and Vision Statements
 - Appoint sub-committees
 - Accept Process
 3. Sub-committees meet and organize
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Item O: Wrap Up and Adjourn

Motion: Brian Vachon moved, Kathy Larsen seconded, to adjourn the September 15, 2009 meeting of the State Board of Education

Item P: Written Reports:

2009 Legislative Summary
Litigation Update_09-15-09 (Written)

Minutes recorded by Jill Remick
Minutes prepared by Carol King

**Resolution to Honor Tom James
on the Occasion of His Departure as Chair of the Vermont State Board of Education**

Whereas, you have served with commitment, distinction, effectiveness, and grace as a Board member, we recall earlier times and events that led to your tenure, your accomplishments and leadership over the past six years, and look with an optimistic eye to the years ahead.

Growing up in Brilliant (surely a prescient name), Ohio and finishing high school in Carrolton, you then spent four years in the Air Force. Focusing on electronics, your horizons were widened in New York, Mississippi, New Mexico, and Colorado. It could be said that your service work led naturally to signing on with IBM, perhaps the nation's premier electronics firm in the late 1950s.

During an IBM career of close to 35 years, your talents and responsibilities grew steadily in roles as customer engineer, technical manager, branch manager, plant personnel manager and New England personnel manager. While your family's IBM path included Minnesota, Ohio, New Jersey, New York, Connecticut, and Massachusetts, it was Essex Junction, Vermont that finally carried the day, where you have lived since 1987.

Retiring from IBM in 1991, you have given new and compelling meaning to the term "second career," living a wide and deep commitment to public service. In elective and appointive office, you have served the Essex Town School Board (chair for five years, when expectations for members were never higher than for yourself), Planning Commission, Board of Civil Authority, Select Board and the State Board of Education. You played a significant role in the formation of Essex Union High School District #46, and you effectively chaired the Essex Junction and Essex Town union study committee.

Accepting the offer to serve public education on the state level, you joined the State Board in March 2003 on Dave Larsen's departure to serve as Acting Commissioner, and became chair in March 2005. You have served with Commissioner Richard Cate, Acting Commissioner Bill Talbott, and Commissioner Armando Vilaseca. These years have brought significant challenges and opportunities, which you have welcomed and worked on with discernment, discipline, and determination.

You have been instrumental in drafting, adopting, implementing, and revising the Board's Strategic Plan. Your Board chair watch has included significant attention being given to legislative efforts to change how Commissioners are appointed. You have been a steady voice and moving force behind current efforts directed toward transforming K-12 public education in Vermont.

While policy issues have been of genuine importance during your Board tenure, we note — with equal value — personal qualities that have informed and deepened your presence and leadership. You listen well, are always well prepared for the work at hand, take the long view, and foster open, candid conversations leading to balanced and broad Board discussion and decisions. As you often seek three words when parting company with others, three come to mind about you now: kind, gentlemanly, and thoughtful. You have been an avuncular presence for students who are Board members. The range and depth of your public service have been truly exceptional.

Looking ahead, we see you traveling in Italy, presiding at weddings as Justice of the Peace, spending most welcome time with your family — Marilyn (you and she will celebrate 55 years of marriage on December 21st) and children Dina and Dan and their nearby families — guiding your trusted tractor and (though we don't know your handicap), surely distinguishing yourself with woods, irons, and putter. We will miss your presence and leadership and salute your long and effective service to Vermont's schools, educators, and students.

On behalf of the State Board,

Ruth Stokes, Vice Chair; Bellows Falls, Vermont, September 15, 2009